Lyon, L. R. 4 Ch. App. 218, 224. In some jurisdictions equity has even taken the extreme step of allowing the creation of easements by parol license. *Rerick* v. *Kern*, 14 S. & R. (Pa.) 267; *Rhodes* v. *Otis*, 33 Ala. 578; *Rochdale Canal Company* v. *King*, 22 L. J. Ch. n. s. 604. *Contra*, *National Stock Yards* v. *Wiggins Ferry Co.*, 112 Ill. 384; *Nowlin Lumber Co.* v. *Wilson*, 119 Mich. 406, 78 N. W. 338; *Ewing* v. *Rhea*, 37 Ore. 583, 62 Pac. 790. This doctrine marks a clean break from the common law, in which it can find little justification. The principal case goes even farther, in that there is here no license, and so the basis on which the doctrine usually proceeds is lacking. Nor is there any misrepresentation. The alleged servient owner's conduct was throughout consistent with the assumption that the city was thereafter to acquire water rights by condemnation. The decision tends to secure municipalities from the carelessness of their legal advisers, but it is otherwise to be regretted.

EVIDENCE — DECLARATIONS CONCERNING PEDIGREE — REQUISITE CONNECTION WITH THE FAMILY. — To prove his claim to the deceased's property, the petitioner offered declarations of his mother that she married the father of the deceased. There was no evidence of the relationship between the declarant and the deceased other than these declarations. *Held*, that the declarations are not admissible. *Aalholm* v. *People*, 105 N. E. 647 (N. Y.).

All the courts agree that the declarant's connection with the family must be proved by independent evidence in order to bring his declarations within the pedigree exception to the hearsay rule. *Banbury Peerage Case*, 2 Selw. N. P. 764. But there has been a wide difference of judicial opinion with respect to the meaning of "the family." The deceased's family, of course, is the one primarily concerned with the question of inheritance, but a marriage between representatives of the two families is none the less a fact in the family history of both. The broader, and what has appeared to be the prevailing view, has therefore been satisfied with proof of the declarant's relationship to either family. *Monkton* v. *Attorney-General*, 2 Russ. & M. 147; *Sitler* v. *Gehr*, 105 Pa. 577. Dean Wigmore has lent his weighty support to this view, and has severely criticised its opponents. See WIGMORE, EVIDENCE, § 1491. The narrower rule requires independent proof of the declarant's membership in the family whose inheritance is in dispute. *Blackburn* v. *Crawfords*, 3 Wall. (U. S.) 175. The declarations offered in the principal case give an excellent illustration of the dangers of manufactured evidence involved in the more liberal rule, which would make possible the establishment of a claim by the claimant's own testimony to the assertions of deceased members of his family. Such considerations go far to justify the court's adoption of the more conservative view, and its decision in favor of a doctrine somewhat discredited in the past would seem likely to determine the trend of future American authority.

EVIDENCE — STATEMENTS IN PUBLIC DOCUMENTS — POST-OFFICE RECORDS. — To prove the time at which a telegram was delivered, records kept by the post-office officials showing the times of the receipt and delivery of telegrams were offered. These records were preserved only for a limited time, and were used chiefly for calculating the messenger boys' fees. The absence of the entrant was not accounted for. *Held*, that the records are not admissible. *Heyne* v. *Fischel*, 110 L. T. R. 264 (K. B. Div.).

The court holds that the absence of any opportunity for inspection by the public was a fatal objection to the admission of these records under the public document exception to the hearsay rule. This doctrine seems well established in England, on the ground that publicity reduces the probability of error. *Sturla* v. *Freccia*, L. R. 5 A. C. 623, 643. This reasoning, however, merely points out a possible advantage from public access, of small moment because